

OFFICE OF THE CLERK

MARCI M. WALDRON

CLERK

UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT  
21400 UNITED STATES COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA 19106-1790

TELEPHONE

215-597-2995

August 29, 2007

Peter T. Dalleo, Clerk  
United States District Court  
J. Caleb Boggs Federal Building  
Lockbox 18  
844 King Street  
Wilmington, DE 19801-3570

Re: Hardin v. Carroll, et al  
D. Del. No. 06-cv-220-JJF

Dear Mr. Dalleo:

Pursuant to Rule 4(d), Federal Rules of Appellate Procedure, and Rule 3.4, Third Circuit Local Appellate Rules, we are forwarding the attached notice of appeal from the District Court order entered July 23, 2007 which was filed with this office in error. See Rule 3(a)(1), Federal Rules of Appellate Procedure and Rule 3.4, Third Circuit Local Appellate Rules. The notice was postmarked August 16, 2007 and should be docketed as of that date.

This document is being forwarded solely to protect the litigant's right to appeal as required by the Federal Rules of Appellate Procedure and Rule 3.4, Third Circuit Local Appellate Rules. Upon receipt of the document, kindly process it according to your Court's normal procedures. If your office has already received the same document, please disregard the enclosed copy to prevent duplication.

Pursuant to Rule 3(a)(1), Federal Rules of Appellate Procedure, a notice of appeal must be filed with the Clerk of the District Court. This Court may not act on an appeal until the notice has been docketed in the District Court and certified to this Court by the District Court Clerk.

Thank you for your assistance in this matter.

Very truly yours,

Marcia M. Waldron, Clerk

By: /s/ Bradford A. Baldus  
Bradford A. Baldus  
Senior Legal Advisor to the Clerk

Enclosure

cc: Rudolph V. Hardin (w/out enclosure)

Rudolph V. Hardin SBI# 180391  
Unit W  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

RECEIVED  
AUG 17 2007  
U.S. C.A. 3rd

NOTICE OF APPEAL  
TO  
U.S. COURT OF APPEALS, THIRD CIRCUIT

U.S. District Court for the District of Delaware

CIRCUIT COURT  
DOCKET NUMBER: \_\_\_\_\_  
(leave blank)

FULL CAPTION IN DISTRICT COURT AS FOLLOWS:

Rudolph V. Hardin

RECEIVED  
AUG 17 2007

v.

Thomas Carroll, Warden

DISTRICT COURT  
DOCKET NUMBER: 06-220-JJF

DISTRICT COURT  
JUDGE: Joseph J. Farnan Jr.

Notice is hereby given that Rudolph V. Hardin

Appeals to the United States Court of Appeals for the Third Circuit from  Judgment  Order,  
 Other (specify)

Entered in this action on July 23, 2007

Dated: August 16, 2007

Rudolph V. Hardin  
(Counsel for Appellant-Signature)

Rudolph V. Hardin, Pro se  
(Name of Counsel – Typed)

1181 Paddock Road  
(Address)

Smyrna, Delaware -19977  
(City, State Zip)

\_\_\_\_\_  
(Telephone Number)

James Turner Wakley, DAJ  
Counsel for Appellee

844 King Street  
(Address)

Wilmington, Delaware, 19801  
(City, State Zip)

302-573-6170  
Telephone Number

NOTED: USE ADDITIONAL SHEETS if all appellants and/or all counsel for appellees cannot be listed on the Notice of Appeal

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RUDOLPH V. HARDIN,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 06-220-JJF
	:	
THOMAS CARROLL, Warden, and JOSEPH	:	
R. BIDEN, III, Attorney General	:	
of the State of Delaware,	:	
	:	
Respondents.	:	

O R D E R

At Wilmington, this 23 day of July, 2007, for the reasons set forth in the Memorandum Opinion issued this date;

IT IS HEREBY ORDERED that:

1. Petitioner Rudolph V. Hardin's Application For A Writ Of Habeas Corpus Pursuant To 28 U.S.C. § 2254 (D.I. 2) is DISMISSED, and the relief requested therein is DENIED.

2. The Court declines to issue a certificate of appealability because Petitioner has failed to satisfy the standards set forth in 28 U.S.C. § 2253(c)(2).

Joseph F. Tamm  
UNITED STATES DISTRICT JUDGE

**Certificate of Service**

I, Rudolph V. Hardin, hereby certify that I have served a true  
And correct cop(ies) of the attached: Notice Of Appeal  
upon the following  
parties/person (s):

TO: James Turner Wakley

TO: \_\_\_\_\_

Deputy Attorney General

\_\_\_\_\_

844 King Street

\_\_\_\_\_

Wilmington, Delaware - 19801

\_\_\_\_\_

TO: \_\_\_\_\_

TO: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

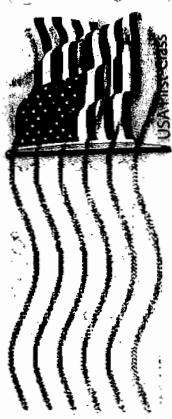
\_\_\_\_\_

\_\_\_\_\_

BY PLACING SAME IN A SEALED ENVELOPE, and depositing same in the United  
States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 16 day of August, 2007

Rudy V. Hardin



IM Budolph Handlin  
SBI# 180391 UNIT W  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977

WILMINGTTON DE 197  
15 AUG 2007 PM 1 L

UNITED STATES BUREAU OF INVESTIGATION  
601 MURKIN ST.  
Philadelphia, Pa. 19106

卷之三

卷之三